

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

RESIDENTIAL CAPITAL, LLC, *et al.*

Debtors.

Case No. 12-12020 (MG)

Jointly Administered

**ORDER GRANTING THE RESCAP BORROWER CLAIMS TRUST'S MOTION IN  
LIMINE TO EXCLUDE THE EXPERT TESTIMONY OF CHRISTY ZOLTUN DONATI**

The ResCap Borrower Claims Trust has moved *in limine* to exclude the expert testimony of Christy Zolun Donati ("Donati") at the trial of the contested matter of the claim of Frank Reed ("Reed"). (ECF Doc. # 10036.) Reed submitted an opposition. (ECF Doc. # 10114.) The Trust filed a reply. (ECF Doc. # 10098.) The Donati expert report was prepared and offered in evidence during the September 15-16, 2014 trial of Reed's claim. The Court ruled then that Donati's expert report was not admissible at trial because it is filled with impermissible hearsay, contains faulty analysis and unsupported conclusions. Reed proposes to offer the same unchanged expert report at the forthcoming trial. The previously excluded expert report has not improved with age.

Despite excluding the expert report, the Court permitted Donati to testify during the earlier trial about foreclosure custom, practice and procedure in New Jersey. Reed was required to submit reports of experts some time ago. It should have been quite clear to Reed that if he wanted to have Donati testify as an expert, he needed to submit a proper expert report. He did not do so. None of Donati's prior testimony is relevant to the issues to be tried in the trial scheduled to begin on September 26, 2016. Nothing in the report is relevant to the issues in the forthcoming trial.

Therefore, the motion *in limine* is **GRANTED**. Donati's expert report is not admissible at trial and Donati will not be permitted to testify during the trial.

**IT IS SO ORDERED.**

Dated: September 14, 2016  
New York, New York

*Martin Glenn*  
MARTIN GLENN  
United States Bankruptcy Judge